

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re: Thomas Gerard Shimota

Case No. 23-31016

Debtor(s).

**[PROPOSED] ORDER GRANTING DEBTOR'S MOTION FOR RELIEF FROM THE
AUTOMATIC STAY AS TO DEBTOR ONLY**

The matter before the court on June 28, 2023, on the motion for relief from the automatic stay filed by debtor, Thomas Shimota as to the debtor only, pursuant to Rule 6009, so that debtor could continue proceedings by him, In re Thomas Shimota, Petitioner, v. Elizabeth Shimota, Respondent, District Court case no. 70-cv-18-6768, Minnesota Court of Appeals , A23-0776 as to Elizabeth Shimota, creditor.

Rule 6009. Prosecution and Defense of Proceedings by Trustee or Debtor in Possession provides that:

With or without court approval, the trustee or debtor in possession may prosecute or may enter an appearance and defend any pending action or proceeding by or against the debtor, or commence and prosecute any action or proceeding in behalf of the estate before any tribunal.

A hearing took place on June 28, 2023.

It is undisputed that the post-trial matters have been pending in the Scott County District Court, Elizabeth Shimota v. Thomas Shimota, District court case no. 70-cv-18-6768 as to post-judgment matters, since the Order of October 6, 2022, and the Order of December 9, 2022, including in the Minnesota Appellate Court, Appeals by Debtor, Thomas Shimota.

The court further finds that Debtor has shown sufficient cause to warrant relief from the automatic stay under § 362(d), as to debtor only so that Minnesota Court of Appeals can further process his appeal.

The court therefore concludes that relief from the stay as to debtor is warranted at this time, based on these circumstances.

Accordingly, the motion for relief from the automatic stay is **GRANTED as to debtor only, for the purpose of the Debtor, Thomas Shimota, continuing Elizabeth Shimota v. Thomas Shimota, Appellate Court file no. A23-0776, District Court file no. 70-cv-18-6768.**

SO ORDERED.

DATED: _____

Judge Kesha L. Tanabe
Judge, US Bankruptcy Court